



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David P. Workman, et al. Attorney Docket No.: 7730  
Application No.: 10/610,687 Group Art Unit: 1712  
Filed: July 1, 2003 Examiner: Daniel S. Metzmaier  
Title: METHOD OF PREPARING AGGLOMERATED SILICA

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 CFR. § 1.321(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Timothy J. Keefer, represent that I am an attorney of record for this patent application.

Petitioner through their undersigned representative hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/880,910, filed on June 30, 2004, as shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-lased application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of any full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/610,687, in the event that it later: expires for failure to pay a maintenance

fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Assistant Commissioner is hereby authorized to charge any necessary fees to Deposit Account 19-1351. In the event of non-payment or improper payment of a required fee, the Assistant Commissioner is hereby authorized to charge or credit Deposit Account No. 19-1351 as required to correct the error. A duplicate copy of this letter is enclosed for fee purposes.

Respectfully Submitted,

Date: \_\_\_\_\_

12/13/05

  
Timothy J. Keefer, Reg. No. 35,567

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